



Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

OPEN MINUTES **BOARD MEETING**

TIME: 10:00 a.m.
DATE: Tuesday, March 11, 2003
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank J. Montanaro
Joseph V. Mulvey
Gerald S. Goldstein
Ellen L. Jordan
John R. Capobianco
Elizabeth S. Dolan

OTHERS PRESENT: Joan N. Brousseau, Administrator
Robyn H. Golden, Investigator
Linda L. Esposito, Secretary
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 10:05 a.m.

All members present reviewed the Open Minutes of the February 11, 2003 Board Meeting. A Motion was made by Elizabeth Dolan and seconded by John Capobianco to accept the Open Minutes as written, pending amendments to be made, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

Chairman Lanni welcomed Robyn H. Golden to the Board as the new Investigator. Chairman Lanni also extended his thanks to the Board Members and staff for their sympathy and support.

The meeting continued in open session:

DRAFTED DECISIONS:

1. Case No. ULP-5506 (Motion to Dismiss)
Bristol/Warren School & NEA

This case was heard formally by Walter Lanni, Gerald S. Goldstein, John Capobianco, and Elizabeth Dolan. Joseph Mulvey, Frank Montanaro and Ellen Jordan reviewed the Employer's Motion to Dismiss, the Union's Objection to the Motion to Dismiss and the formal hearing transcript in this matter.

ORDER: The Motion to Dismiss is hereby denied.

After review of the Order of Denial and discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to sign the Order as written, with grammatical corrections to be made, and to conduct a formal hearing relative to the Board's Complaint as originally issued in this charge. All Board members voted in favor of the Motion.

2. Case No. ULP-5548
Barrington & IBPO

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, Ellen Jordan, John Capobianco and Elizabeth Dolan. Frank Montanaro reviewed the transcripts and briefs in this matter.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision and discussion, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to sign the Decision as written, with grammatical corrections to be made. Walter Lanni, Gerald Goldstein, Ellen Jordan, and Elizabeth Dolan, voted to in favor of the Motion. Frank Montanaro, Joseph Mulvey, and John Capobianco voted to sign the Decision as dissenting.

UNIT CLARIFICATIONS:

1. Case No. EE-3039, 3040, 3041 & 3042
Providence & Laborers'
UNIT CLARIFICATION: Environmental Court Liaison
(Consent Agreement and Affidavit)

At the Board Meeting of 2/11/03, the Board voted to allow the Employer until March 6, 2003 to provide a written response to the Consent Agreement and Affidavit submitted in this matter. The Employer did not provide a written response. After review and discussion of the Consent Agreement and Affidavit as originally submitted, a Motion was made by Frank Montanaro and seconded by Gerald Goldstein to acknowledge and accept the parties' Consent Agreement and Affidavit to include the position of Environmental Court Liaison into the bargaining unit defined in Case Nos. EE-3039, 3040, 3041 & 3042. All Board Members voted in favor of the Motion.

2. Case No. EE-3507
Narragansett & Laborers'
UNIT CLARIFICATION: Recreation Program Coordinator

After review and discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' Consent Agreement and Affidavit to include the position of Recreation Center Coordinator into the bargaining unit defined in Case No. EE-3507. All Board Members voted in favor of the Motion.

3. Case No. EE-2087
Board of Regents for Education & RIC/AFT
UNIT CLARIFICATION: Director of Health Services/Nurse Practitioner

After review of the Investigator's Report (neither the Union nor the Employer submitted a response to the Investigator's Report), and after discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to include the position of Director of Health Services/Nurse Practitioner into the bargaining unit defined in Case No. EE-2087; and to proceed to formal hearing in this matter. All Board Members voted in favor of the Motion.

MISCELLANEOUS MATTERS:

Case No. ULP-5572 & ULP-5583 (*Motions to Dismiss*)
Health Department & AFSCME

After review the Employer's Motions to Dismiss and the Union's Objections to the Motions, and after discussion, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to deny the Employer's Motion to Dismiss in both of the above matters based on insufficient information for the Board to make a determination relative to the Motion, schedule the matters for formal hearing, and advise the parties that the Motions to dismiss will be addressed within the formal written decision of the Board at the conclusion of the cases. All Board Members voted in favor of the Motion.

2. Case No. ULP-5609
Bristol & Steelworkers

After review of the Administrator's letter of February 25, 2003, and after discussion, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to reschedule this matter for formal hearing and to assess the parties' the cost of the court reporter for their failure to postpone and failure to appear at the previously scheduled hearing on February 25, 2003. All Board Members voted in favor of the Motion.

Gerald Goldstein made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges, cases concluded and miscellaneous matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by John Capobianco, and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:45 a.m.

The meeting resumed in open session at 10:55 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CHARGES:

1. Case No. ULP-5655
Warwick & FOP

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP-5657
Corrections & RIBCO

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Case No. ULP-5654
Warren & Steelworkers (*Update from Attorney Hogan*)
Joseph Mulvey abstained from voting in this matter.

DETERMINATION: dismiss the ULP charge in accordance with RIGL 28-7-9 (d)

A Motion to adjourn was made by Joseph Mulvey and it was seconded by Ellen Jordan and it was unanimously,

VOTED: to adjourn the meeting at 11:00 a.m.